

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
OCTOBER 28, 1999**

PRESENT: Richard Hinsman, Bettye Lawrence, Jerome Nelson, Nancy Gerrard (by telephone)

EXCUSED: James R. Imhoff, Harold Lee, and Richard Kollmansberger.

STAFF PRESENT: Cletus Hansen, Donald Rittel, Jan Neitzel and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, Wisconsin Realtors Association

CALL TO ORDER

The meeting was called to order at 9:14 a.m. by Richard Hinsman, Vice Chair, upon confirmation that the public notice was timely given. A quorum of 4 members was present.

AGENDA

MOTION: Bettye Lawrence moved, seconded by Nancy Gerrard, to adopt the agenda as published. Motion carried unanimously.

MINUTES (9/23/99)

MOTION: Jerry Nelson moved, seconded by Bettye Lawrence, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings greeted individual board members before the meeting, but she was not available during the meeting.

Division Administrator's Report

- Board Roster

The Board received a copy of the September 1999 roster. Noted.

- Meeting Dates for 2000

The Board received a copy of the year 2000 meeting dates. Noted.

- Screening Statistics

The Board received a copy of the September 23, 1999, screening statistics. Noted.

LEGISLATIVE UPDATE

Megan's Law LRB-1407

Rick Staff discussed Megan's Law and asked the Board to support the bill.

MOTION: Jerry Nelson moved, seconded by Nancy Gerrard, to support the LRB drafted that was submitted to the Board. Motion carried unanimously.

Real Estate Broker Supervision LRB 3708/1

The Board received a copy of a letter sent to legislators by Michael Theo, Vice President for Public Affairs, WRA, on October 13, 1999.

The Board received a copy of LRB 3708, relating to employee supervision by a real estate broker.

The Board received a copy of Clete Hansen's testimony relating to LRB 3708. Noted

Clete Hansen stated that he testified before an Assembly committee regarding LRB 3708/1.

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to support LRB 3708, which would eliminate a requirement for the "direct full-time supervision" by broker-managers. Motion carried unanimously.

Other

The Board received a copy of the final revision of several contractual forms. Noted.

Biennial Budget Bill

Clete Hansen reported the Governor has signed the Biennial Budget Bill. Information on how the bill relates to the Real Estate Board will be included in the next agenda packet.

ADMINISTRATIVE RULES

Rule Draft Relating to Supervision, Negotiations, etc.

Don Rittel reported he is continuing to work on the rule draft relating to supervision, negotiations, etc., and it should be ready for the December 9, 1999, meeting for discussion by the Board.

NEW BUSINESS

Richard Hinsman requested Rick Staff, Legal Counsel of the Wisconsin Realtors Association (WRA), to draft a “stand-alone” addendum to be used strictly for rejection of a home inspection.

PUBLIC COMMENT

None.

RECESS TO CLOSED SESSION

MOTION: Jerry Nelson moved, seconded by Nancy Gerrard, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Richard Hinsman-yes; Bettye J. Lawrence-yes; Jerome M. Nelson-yes. Motion carried unanimously.

Open Session recessed at 10:36 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, and administrative warnings.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Bettye Lawrence moved, seconded by Nancy Gerrard, to adjourn the Closed Session and to reconvene in Open Session at 11:45 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

ADMINISTRATIVE WARNINGS

Diane Wendorf (Beaver Dam, WI)

The respondent and the respondent’s attorney addressed the Board during closed session.

MOTION: Nancy Gerrard moved, seconded by Jerry Nelson, to review all of the information presented and to make a decision at the December 9, 1999, board meeting. Motion carried unanimously.

Sharon L. Stade (Fort Atkinson, WI)

By consensus, the Board agreed to issue an administrative warning to Sharon L. Stade.

CASE CLOSINGS

MOTION: Jerry Nelson moved, seconded by Bettye Lawrence, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

| | | |
|------------|------------------------------|-----------------------|
| 98 REB 071 | Cheryl Gray | No violation |
| 95 REB 079 | Joe Radle | Insufficient evidence |
| 98 REB 299 | Gary Gerhardt | Insufficient evidence |
| 98 REB 299 | Realty 100 Inc. | Insufficient evidence |
| 98 REB 299 | Bruce Martin | Insufficient evidence |
| 98 REB 331 | First Weber Group | Insufficient evidence |
| 98 REB 331 | James Imhoff | Insufficient evidence |
| 98 REB 331 | Thomas Weber Jr. | Insufficient evidence |
| 98 REB 331 | Claudia Richardson | Insufficient evidence |
| 98 REB 331 | Nancy Tidwell-Rasmussen | Insufficient evidence |
| 98 REB 333 | Joan E. Foster | Insufficient evidence |
| 98 REB 333 | Restaino Bunbury | Insufficient evidence |
| 98 REB 333 | Thomas F. Bunbury | Insufficient evidence |
| 99 REB 028 | Eric O. Grover | P1 |
| 99 REB 028 | Real Estate Preferred, Inc. | P1 |
| 99 REB 028 | Paul S. Gilbertson | P1 |
| 99 REB 068 | Akemi W. Fischer | Insufficient evidence |
| 99 REB 068 | Susan M. Schroeder | Insufficient evidence |
| 99 REB 068 | North Haven Properties. Inc. | Insufficient evidence |
| 99 REB 010 | Helen Patenaude | P6 |
| 99 REB 236 | United Properties Corp. | P2 |
| 99 REB 236 | Michael Scott | P2 |
| 99 REB 236 | Stephanie Lehman | P2 |

STIPULATIONS

Shawn M. Anderson (Eau Claire)

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Shawn M. Anderson. Motion carried unanimously.

Sandra J. Rudy (August, WI) and Hilltop Homes, Inc., (Fall Creek, WI)

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the

disciplinary matter involving Sandra J. Rudy. Motion carried unanimously.

Diane Gustin (Wautoma, WI)

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Diane Gustin. Motion carried unanimously.

Thomas E. Warmington (Brookfield, WI)

MOTION: Bettye Lawrence moved, seconded by Nancy Gerrard, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Thomas E. Warmington. Motion carried unanimously.

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Jerry Nelson, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:55 a.m.